



# Department of Justice



## ENVIRONMENTAL PROTECTION AGENCY

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### **ILLINOIS MAN INDICTED FOR CRIMINAL VIOLATION OF THE CLEAN WATER ACT**

WASHINGTON, D.C. – An Illinois man was indicted by a federal grand jury for a criminal violation of the federal Clean Water Act (CWA), the Justice Department and Environmental Protection Agency announced today. David Inskeep, who formerly managed and operated the Inwood Dairy, located in Elmwood, Illinois, is charged with one count of knowingly discharging pollutants into waters of the United States without a permit.

“Clean water is a valuable natural resource, and these allegations suggest a blatant disregard for the laws that protect them,” said Acting Assistant Attorney General Kelly A. Johnson of the Justice Department’s Environment and Natural Resources Division. “The Justice Department takes violations of the laws that protect our waters very seriously and will prosecute such violations to the full extent of the law.”

According to the indictment, at the time of the alleged offense Inskeep managed the Inwood Dairy and its 1,250 dairy cows and operated a waste management system consisting of a lagoon designed at full capacity to hold approximately 40 million gallons of waste generated by the animals. The system used water to flush cattle manure and waste water from the barns to a central collection point; waste was then pumped to the lagoon for storage until it could be lawfully removed.

The indictment alleges that on February 14, 2001, an Illinois Environmental Protection Agency (IEPA) official observed that the waste level in the Inwood Dairy lagoon was three inches from the top of the berm wall and advised Inskeep to stop pumping waste into the lagoon. The following day, another IEPA official allegedly found the lagoon was completely full with the pump still operating. Despite the official’s request to turn off the pump or face an overflow and discharge into a local tributary, and subsequent flow to the West Fork of Kickapoo Creek, Inskeep allegedly refused to turn off the pump. Later that day, the indictment alleges Inskeep refused to hire waste haulers to remove the waste, and indicated his possible intention to pump the waste from the lagoon to a tributary located on his property—despite the fact that he was told that such action was illegal.

“The defendant is charged with pumping over a million gallons of animal waste into the environment,” said Granta Y. Nakayama, EPA’s Assistant Administrator for Enforcement and Compliance Assurance. “The government will prosecute those whose illegal actions pollute our natural resources.”

U.S. Attorney Jan Paul Miller said, “Crimes that impact our environment impact all of us. Federal laws designed to safeguard our land, water and air are not suggestions; they are mandates that will be enforced.”

On February 16, 2001, an Illinois Circuit Court judge ordered the dairy to immediately stop discharging wastes into the lagoon. The indictment alleges that on February 16 and 17, 2001, Inskeep began pumping waste from the lagoon through a flexible hose to a tributary that flowed downhill from the dairy, discharging more than one million gallons of waste and manure and lowering the level of wastewater in the lagoon by nine inches.

If convicted, Inskeep could face up to 36 months in prison as well as a fine of up to \$50,000 per day of violation. A summons will be issued for Inskeep to appear in federal court in Peoria, Illinois for arraignment at a date to be determined by the Clerk of the U.S. District Court.

This case was investigated by Special Agents of the EPA and IEPA and the Illinois Department of Natural Resources (IDNR). Trial Attorney Mary Dee Carraway of the Environmental Crimes Section (ECS) of the U.S. Department of Justice and Assistant U. S. Attorney Gerard Brost are prosecuting the case.

An indictment is merely a formal way of bringing charges against an individual. All persons charged with a crime are presumed innocent until proven guilty.

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